THE M'FARLAND TRIAL.

The Long Agony Over and the Accused Free.

Summing Up of Counsel for the Defence.

Recorder Hackett's Charge to the Jury.

"WAITING FOR THE VERDICT."

"NOT GUILTY."

The Jury's Verdiet Backed by the Popular Voice.

The end has come at last. Joy and suif ring have common ending in this, that both have a terminal The poet truly said, "Time at last makes all even." Whether it is fraught with hope or anity's lot to suffer.

As sparks fly upward to the sky, So man is been to instary.

details of the trial just concluded reveal a apter of domestic happiness at its opening and of suffering at its later stage that perhaps parallel in the imagination of our mos es the McFarland trial for the assassination of Albert D. Richardson-has absorbed the attention of chis community beyond any triff which has ocing of the cyprian Virginia as she came out of Tay-lor's saloen, corner of White street and Broadway. That case never came to a trial, for the simple reason that McDonald made his escape one fine evening from the deputy sheriff who had him in charge. Said leputy, instead of confining his prisoner within the alls and restraints of a prison, perambalated the rects with him and eventually brought up at a from whence McDonald made his escape.

The Burdell-Cunningham murder case soon followed; and what young person brought up in this -an interest that even at this remote day to it, for the reason that the perpetrators of the murder were never discovered, and that the circumstances of the deed are still shrouded in mys-

The Colt-Adams case was another of those trage nal annals of our city a notoriety and importance that vests them with a peculiar significance -for the ruling and charges of judges, for a ine of defence of counsel for the prisoner, and, pers, for the precedent and guidance of juries.

the older communities of Europe; but be naturally supposed that our more radical and effectual way of dealing with the wrongdoer, is a bar to the wolf who would invade the domestic makes criminal cases of this kind of rare ce. Americans do not appeal in the matterstyle of the Britisher to a verdict of their compensation for lacerated feelings, for an ged nome, for a dishonored name; they reckon case is one in point. There the wronged wrongdoer to the death, and a mn verdict the deet. Cole shot down violator of his wife's purity and the ed blm. Now we have the McFarland n case occupying the Court of General ttal of the man who shot down the seducer and

an juries and American morality. re was an immense crowd in the hallways yes eneral Sessions, and Captain McCloskey had his hands full to preserve order and see to it that none but authorized parties made their way in. The dies were out again in great strength, and among

Mr. Sinclair, Mrs. Sinclair, Mrs. Cathoun and several of their friends were present in the reserved among themselves as though they had come to witness a comedy instead of listening to an argument to a jury who have the life of a fellow being in their

District Attorney Garvin opened at ten minutes past eleven. After referring to the long time the a jury sworn to decide upon their oaths on so important a question as that now presented to them.

Counsel then went over the whole details and salient points of the testimony, and in concluding exhorted the jury to deliver a verdict that would assure the people that a man's life cannot be taken by another at will, and with little or no provocation.

The Recorder's Charge. The Recorder then proceeded to charge the jury as

The Recorder then proceeded to charge the jury as follows:—

GRNTLEMEN OF THE JURY:—To you and all others who have assisted in this trial, it must be an especial cause of congravilation that it rapidly draws to a close. All which remains unfulfilled is the sworn deliberation and solemn conclusion which your duty as jurors enjoins upon you. In a few hours this case, which has daily been prominently presented to the public eye during the past five weeks, will pass quietly from its gaze, only to be remembered for the precedent which may be established by your verdict. That this has been a trial invested with great public luterest as you could only have noticed from the cager throng daily besieging the court room may properly be attributed to the fact that, incidentally as well as directly, many notable personages have been brought forward, whose public positions and acts and sayings in conjunction with the wife of the accused for various years prior to the shooting, had occasioned extraordinary and diffuse comments. I must now ask your undivided attention white I assist you in holding evenly the balance-beam from which depend the the scales of acquited and conviction—scales into which such a volume of evidence has been placed. The duty of judge and jury as always difficult at the end of those cases in which unavoidable latting has been given to evidence or has been taken by the zeal of counsel, or consumed in cloquent addresses upon either side. Your duty becomes extraordinarily dinicult under the extreme lattitude taken by evidence and counsel durangenist trial, and proceeding from the peculiarities of the delence. I can best liken your labor now to that of the gold miner who is obliged to sift, bushels of sand in order to obtain a few grains of gold; because really amid all these accumulations of evidence the issues for you to determine are few and capable of being simplified. If it had been possible at the outset of my charge, is not to be either convicted or acquitted upon his grainst my processed in the case

Which I charge.

Which I charge you.

or help may depend somewhat upon local masse." The records of this court show that there has seldom been an important or long trial in homicide cases here without additional counsel for the people. Some of the very cases clied by the counsel for the defence show that cansel other than the District Attorney and Attorney General represented the people. In Great Britism to this day nearly all prosecutions for the Crown are conducted by counsel employed by private prosecutors. The zeal of the counsel for the defence has been criticised by the District Attorney. I deem it to be my duty to repeat to you the extreme rule governing the day of a counsel as laid down by Air. Henry Brugham in his speech for Queen Caroline. As he a terward became Loud Chancellor, and nived, I believe, or minety years, and as the extract appears in his published works, it may be presumed to remain at least of the same value it possessed when stated, I do not say whether I approve or disapprove of it. I state it as the extreme view, and one which any counsel for defence might adopt with conscientious belief in it. "An advocate in the discharge of he duty knows but one person in all the world, and that person is his client. To save that client by hi means and expedients, and at all hazards and costs to other persons, and among them to missed, it has his its and only duty, and in performing this duty ne must not regard the sharm, the torments, the destruction which he may to miss that of an advocate, he minet go on, reckiess of casequences, though it should be his unhappy fate to involve his country in conniston." But judge and jury must at all events described in the discount of the persons, and country in conniston. But judge and those distracting issues which may have been dagged into a case, and (in the language of Mr. Brougham) mything "hazards and costs to other persons," or including "torments be ought upon them." Disents naterly from your minds any reference, to or impressions about persons which any reference of my many of the person, Which I charge

If the jury believe that from any predisposing cause efandant's mind was impaired, and at the time of ki

time obliterated, he is not a responsible moral agent, and is not punishable for crimmal acts.

Which I charge.

If the jury believe from the evidence that previous, up to, and at the time of the homicide in question the prisoner thought or believed that his virseand the deceased, or either of times, we're or was watching him with a viner to accertaining now he provided for his oldest son. Percy, intending to take legal proceedings to degrive him of that son the test opportunity that offered, and that he considered his poverty would render mincal heightes against such proceedings, and so he would lose that son; that this was an unwarranted and unbound defusion, on the part of the prisoner; that thereator, and in consequence thereof, his mind became and continued diseased; that such effects in mind became and continued deceased; that such effects and interest or make the part of the prisoner; that there are not supported to the part of the prisoner; that there are not supported to the part of the prisoner and continued diseases in-creased in intensity until the part of the prisoners and puroxyms of rage, is which his power of distinguishing whether he was committing a crime or not was for the time destroyed or supported and that the act charged upon him was committed while in such a paroxysin, and while such power of distinguishing was destroyed or supersected, he is not responsible legally for that act.

Refused because, although good in part, it is not, in my opinion. Correct as an entire proposition.

If the jury believe, from the evidence, that while the prisoner was in such a paroxysm as is described in the last proposition he committed the set deared upon him, at the time thereof being entirally divested of all monate control over his actions, and without will or conscience, or the capacity to exercise will or conscience in reference to his conduct, so far as the deceased, was concerned and as against the deceased, he is not responsible legally for the act, even though he was at the time capable of disting

The theory upon which the defence seek acquittal is substantially that domestic troubles produced in the control of the contro

at the time capable of distinguishing between right and wrong in reference to his act.

Which I charge,

If the jury believe from the evidence that previous, up to, and at the time of the homicitic in question the prisoner thought or believe that his wile actually loved him, and would not have left him but for the persuasion of the deceased, and tennics acting in his interest, and that she was willing to return and would have returned to him but for this cause; that this was an unwarranted and unsound deceased and tennics acting in his interest, and that she was willing to return and would have returned to him but for this cause; that this was an unwarranted and unsound declasion on the part of the prisoner, that thereafter, and in consequence that this was an unwarranted she unsound diseased; that also demands and disease increased in inteniety until the prisoner became, was and remained subject to great causelies and violent fromties and paroxisms of rayer seeded, and that the act charged upon him was committed while in such a paroxyam, and white such power of distinguishing was destroyed or superseded, he is not responsible, legally, for the act.

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Which I decline to charge in the terms proposed.

That to make the prisoner responsible for the net charged upon him the jury must not only be satisfied that he was ware of what he did at the time of soing it, but that he was not morally insance in reference to the deceased or the ac-which he is charged with perpetrating upon the deceased.

Which I charge.

Which I charge.

That to make the prisoner responsible for the act charged upon him he must have been intellectually and morally same in reference to that act and the deceased at the time of its commission.

That the law holds no one responsible for his act, where his mind was so diseased at the time of the act as to be without reason, conscience and will, and where from such causes the party accused was an involuntary instrument of such disease, and incapable of refraining from the commission of the act.

The accused must have sufficient mental capacity to distinguish between right and wrong, as applied to the act he is about to commit, and to be conscious that the act is wrong before he can be convicted of a crime.

Which I charge. which I charge.

To constitute a crime, the acquired must be acted upon by Which I charge.

To possylet a recovered by will.

Which I charge.

To convict a person of crime he mount have memory and intelligence to know that the act he is about to commit is wrong, to remember and understand that if he commits the act he will be subject to pushment, and reason and will to enable him to compare and choose between the supposed advantage or gratification to be obtained by the criminal act and the unmunity from pumishment which he will secure by Which I charge. To convict a person of crime "lie must have sufficient pemory, intelligence, reason and will to enable him to dis-tinguish between right and wrong in regard to the particu-lar act about to be done, to know and understand that it will be wrong, and that he will deserve punishment by commit-ting it."

Which I decline to charge.

Which I decline to charge.

Which I charge.

To connect them with the shooting of November 2 he jury must find that they were uttered maliciously surje, with the intent to execute them when and as the octed by the defendant in a state of samity, and thooting occurred in putsuance of these threats.

Which I decline to charge.

Even supposing the defendant to have threatened to kill the deceased. In conversations occurring autocodent to his being and on November 2s, 150s, if that act (the shooting on that day) was perpetrated by the decendant while in a state of in sanity it would still exempt him from legal responsibility.

Which I charge.

The the point of the seriousness of the threats the jury are to consider the fact that those to whom they were mained neither notified the deceased of them nor took any steps to have the decendant arrested for them, in purcauson of taw:

Which I decline to charge.

If the jury believe that the threats were unmeaning, and were uttered in a state of exclientent or anger, without any micention of executing them, and wholly as the result of passion, they are not to be regarded in determining the character of the homides in question.

This would only modify their weight in evidence, but would not exclude them from the lury.

Experts have been called in this case. They are to be considered rather as mitrors with which mercy to reflect upon you their opinious. But you are the sole judges whether as mitrors with which mercy to reflect upon you their opinious. But you are the sole judges whether as methods as even his good judgment may be speciously hidden. Hence the is a clever charlatan. In the one case even his good judgment may be speciously hidden. Hence the usefulness of the jury as umpire. The exact line between smilt yand lusgnity in medical bildsoch; or inselled it precisely measure as a merdian lize in geography. But law and science in each instance do the best they can to arbitrarily fix it for safety. Experts in mental or moral philosophy, as in geography, can only describe and litustrate. You are the judges. Test for younselves the phases and conditions of sanity or meanity, or the line between aversion, anger, rage, hatred, wrath, vengeance upon one sade, and the deturnonment of reason on the other. We have all probably seen manifestations of the emotions and passions just named. A great philosopher has said, "No man is sane; that in every organization sheep as him soon places and conditions of sanity or meanity, or the line between aversion, anger, rage, hatred, wrath, vengeance upon one sade, and the deturnonment of reason on the other. We have all probably seen manifestations of the cause the moral of t

body became restless. Even the ladies grew fidgetty and left their seats and moved about the court room as though they did not exactly know what they were doing or where going. At hall-past court room that the gas had to be lit. sufficiently to make a person at one end of the room clearly discornible from the other. The lights out at every moment, and the faces of the crowds beneath, under the uncertain glare, looked pale and

Little Percy meanwhile had made his way from his father's side to the table inside the railing, where merits of the case and the probability of the nature of the verdict. He evidently had no real concepstood, and amused himself by playfully tossing an orange to the reporter. His father sat quietly in his seat, gazing in a wistful, sad way at the boy in his play, but said nothing. Percy, too, peered at him every once in a while, and stretching out his little arms, held two oranges up above his head as if to let his father see what a prize the reporters had given him, and would then, as before, begin to throw it about, evidently enjoying the way they pretended (to numer him) not to be able to catch it. He got tired of the sport finally, and, leaving the reporters' table, took one of the seats vacated by one of the jurors. It so happened that it was the chair of the foreman, whose voice was to proclaim either his father's liberty or doom him to a feton's death. McFarland saw him and nodded to him, and the little fellow, catching his eye, stood up in the chair and in his childish gies waved his hand to his father, as if to send him a kiss. At the very momental along murrous, as of many roles. moment a foud murmur, as of many voices, was neard out in the hallway, and in another second the doors were thrown open and the jury catered.

A silence of death a once reigned in the room as the jurors filed in one by one and took their seats. The prisoner for the first time since the trial began showed signs of emotion. A deadly palior overcast his countenance, and his fingers toted nervously with the iron railing at his side. As each juror took his seat he gazed at him intently, as if endeavoring to read in their countenances in what light they considered him-a murderer deserving death or a man who was justified in killing his wife's tempter. But he might as well have tried to have found expression in the bare walls of the court room at their backs. Each man was calm and collected, and did not even look at came painful, horrible to endure. Finally the jury answered to their names in a firm voice, and then the question came as to whether they had arrived at the verdict. When the foreman replied in the affirmative, the silence became if possible more oppressive than ever, and it seemed as though every man held his breath, fearful that he might change the verdict by even a whisper. Then came the supreme question—"Is the prisoner at the bar guilty or not guilty?" The answer came, in a firm, loud tone of voice, that was heard in every part of the room, "NOT GUILTY,"

The words had scarcely fallen from the lips of the foreman when there went up a shout so loud, so tong, so resounding, that those who had not antici-pated it were startled even to fright. At the same moment a vivid flash of lighthing lit up the scene in

affect.

The curtain had fallen on the greatest drama of the age.

BURNED AT SEA

The American Ship Sunbeam Destroyed

Moments of Horror-The Vessel Sinks Within Twenty Minutes-The Crew Leap Into the Sea and Six are Lost-The Survivors Resoued by a Whaling Bark-Arrival of Captain Chadwick and Son at This Port.

Tidings of another terrible disaster of the deep are and are scarred and scorched, yet find a water grave, it is enough to shake the sturdles but at the time engaged in the Pacific Ocean trade-to be the victim of the latter disaster on the Sis

captain Joseph Chadwick and his son, a youth of about ten years, of the lost ship, came to this port yesterday from Aspinwall by the steamship Arizona, and although he has not been as desirous as the nature of the case demanded in giving the public fall particulars of this deplotable misfortune, enough is known to form a connected account.

The Sunseam loaded in the harbor of Iquiqui, Pern desirable history of Iquiqui,

of the vessel, creeping through the decks and climbing the masts, they must act. It was a critical second.

THE CAPTAIN'S EFFORES.

When the first expiosion was heard Captain Chadwick, who had been below, rushed on deck and, sithough but a moment had intervened, he was staggered to see the flames forcing their way so savagely that around, binding, sufficiality, and the boards could not be reached. He asked no questions, but, looking into the seething candiron below, told the men to save themselves and pray to God to help them all. With this word the

MEN LEAPED INTO THE SEA and attempted to cling to the spars and boards they find aircraft where we overland, but my vain for many of them. In ten minutes from the ligation of the varnish the matinusast was toppling, and in the tree minutes it went over the side, and the gasping, drowning men clung with life in view to its charred remains. When this had gone and the fire was creeping along the rigging to the foremast Captain Chadwick took his lattle son in his arms and jumped over the side this the ocean. Happily he cangult hold of a studding sail boom, which saved his and his son's lives. So terrible was the heat at his time that the faces of some of the men by the ship is sace were blistered and cooked, and thus, to change their positions and place, their backs to the burning mass, six poor fellows dropped from incir places of insecurity and, irightened and exhausted, sank to rise on more.

FALLING OF THE QUARTER BOAT.

When despair had a stiled upon the survivoral hearts, and the captain and half-drowned saliors felt that no earthly power could save them, the fastenings of the quarter boat fortunately burned away, and the boat alling in the water right side up, one of the crew secured it, and finding the oars in it, at once began to pick up the thankful souls about him. In a few minutes the captain, his son, the first mate, for the crew secured it, and finding the oars in it, at once began to pick up the thankful souls about him. In a few minutes the captain, his

cook and six other sailors were taken in, and they hove d off as far as possible from the first-setting wreck.

Tyenty minutes from the first-explosion the Sunbeam saik from sight. It was learned how the fire still kept creeping through the vessel. Varnish and sailtpetre, thousands of sakes of the latter, sent the wirked daris of fire upward and around. Mast after mast fell, and about ten minutes past twelve o'clock P. M. on the flist of March last, in latitude thirty degrees forty-four minutes, about eighty miles from shore, the last bubbling hiss was heard and the noble craft of an hour before was a thing of the past.

Deliverance.

When the last look had been taken of the disappearing wreck the beat, with its te eive souls, drifted for a while with its foriern party on the ocean. Yet work was to be done, and that quickly, as they had nothing to cat and nothing to drink. But deliverance was at hand, and when but an hour or so in their finit craft the

Whaling bark charles w. Morgan
Captain Athern, then on a cruise, having seen the fire miles away, bore down to their position and took them on board, subsequently fanding them at Talcabusano, Chile. From this piace the party made their way up to Panama.

The Lost and Saven.

Of the saved, twelve in number, but four names are known—Captain Chadwick, his son, E. H. Roberts and Marshal Johnson. None of the names of the six lost have been divelged. They were the second mate, carpenter, sieward and three seamen. For haps their tragic fate may never be ascertained by their friends.

The Ship Sunbeam was built in Chelsea, Mass., in

their friends.

THE SHIP SUNBEAM—HER OWNERS.

The ship Sunbeam was built in Cheis-a, Mass., in 1865. She was of oak and fastened with copper and fron. She had two decks, drew eighteen feet of water when loaded, and was 798 tons burden. She was owned by Messrs, Augustus Hemanway & Co., of Boston.

It is understood that Captain Chadwick and son left this city for their home in Massachusetts last night.

Another Burning Vessel. Captain Tingley, of the British brig Leona, ten days

from Matanzas, arrived in this port last evening, and reported that on the 1st inst., in the Straits of the court, and a loud crash of thunder shook the building to its foundations, as though the heavens themselves were endorsing the justice of the vertical that the odicers of the vertical that the odicers of the probability, sayed.